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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,881	09/04/2003	Yao-Chung Chen	3079/190	4924

23338 7590 01/26/2005

DENNISON, SCHULTZ, DOUGHERTY & MACDONALD  
1727 KING STREET  
SUITE 105  
ALEXANDRIA, VA 22314

EXAMINER

GREEN, CHRISTY MARIE

ART UNIT PAPER NUMBER

3635

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/653,881

**Applicant(s)**

CHEN, YAO-CHUNG

**Examiner**

Christy M Green

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: Exhibit A - attached figure (1).

### **DETAILED ACTION**

This is a first office action for serial number 10653881, entitled Adjuster for Elevated Floors, filed on September 4, 2003.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peopst, US Patent # 5,333,423.

Peopst discloses the claimed invention including an adjuster (12) for an elevated floor comprising a threaded pipe (at 22) with an inner thread (seen in figures 3 and 4), said threaded pipe for connecting with a connecting hole (at 32) which is on said elevated floor (10); a footing seat (14), said footing seat further has an adjustment hole on its upper end (see attached figure 1); and a fixing screw (23) mounted above said footing seat (14) and thread connecting into said threaded pipe (at 22), rotation of said fixing screw (23) presses tight said footing seat (14); said threaded pipe (at 22) is in the form of an inversed "T" which has a hexagonal stub on its upper portion (attached figure 1) a bushing (20) is provided between said threaded pipe (at 22) and said connecting hole (at 32) which is on said elevated floor (10).

Peopst does not disclose footing seat having an external thread on an external upper end, the fixing screw has a through hole extended from top to bottom, which is

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larger than the adjustment hole of the footing seat, said bushing hole is with an inner hexagonal, said adjustment hole of said footing seat and the hole of said fixing screw are both hexagonal, and an inner tangent circle of said hexagonal through hole of said fixing screw (at 23) is larger than an outer contact circle of said hexagonal adjustment hole of said footing seat.

In regards with footing seat having an external thread on an external upper end thereof it would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the threading from inner to outer on the footing seat, since it has been held that rearranging parts of an invention involves only routine skill in the art.

In regards to the fixing screw has a through hole extended from top to bottom, which is larger than the adjustment hole of the footing seat, and an inner tangent circle of said hexagonal through hole of said fixing screw is larger than an outer contact circle of said hexagonal adjustment hole of said footing seat, it would have been an obvious matter of design choice to provide the fixing screw with a through hole extended from top to bottom, that is larger than the adjustment hole of the footing seat, and an inner tangent circle of said hexagonal through hole of said fixing screw is larger than an outer contact circle of said hexagonal adjustment hole of said footing seat, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

In regards to said bushing hole is with an inner hexagonal, said adjustment hole of said footing seat and the hole of said fixing screw are both hexagonal, It would have

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been obvious to one having ordinary skill in the art at the time the invention was made to provide said bushing hole is with an inner hexagonal and said adjustment hole of said footing seat and the hole of said fixing screw are both hexagonal, a change in the shape of a prior art device is a design consideration within the skill of the art.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Christy Green  
Patent Examiner  
September 29, 2004

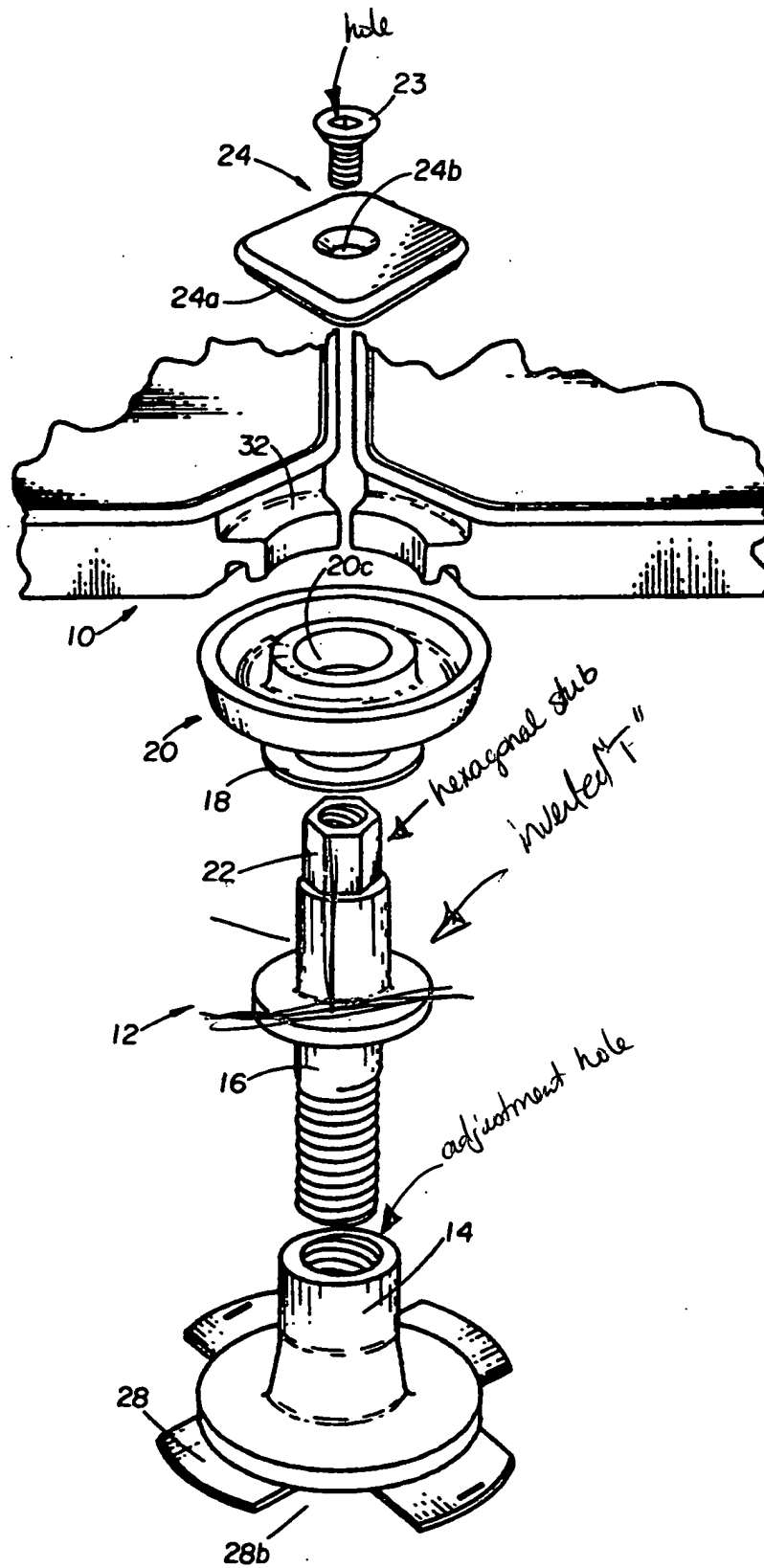


FIG. 1